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TRANSMITTAL OF APPEAL BRIEF

Docket No.
SON-1680

In re Application of: Yoshiyuki Nakamura et al.

Application No.
09/430,124

Filing Date
October 29, 1999

Examiner
Phuong N. Hoang

Group Art Unit
2126

Invention: SYSTEM FOR TRANSFERRING DATA BETWEEN APPLICATION SYSTEMS

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TO THE COMMISSIONER OF PATENTS:

Technology Center 2100

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed: May 6, 2003

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Dated: July 7, 2003



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Docket No.: SON-1680
(PATENT) 7-11-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yoshiyuki Nakamura, et al.

Application No.: 09/430,124

Group Art Unit: 2126

Filed: October 29, 1999

Examiner: Phuong N. Hoang

For: SYSTEM FOR TRANSFERRING DATA
BETWEEN APPLICATION SYSTEMS

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APPELLANT'S BRIEF

Technology Center 2100

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This brief is in furtherance of the Notice of Appeal, filed in this case on May 6, 2003.

The fees required under § 1.17(f) and any required petition for extension of time for filing this brief and fees therefor, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief is transmitted in triplicate.

This brief contains items under the following headings as required by 37 C.F.R. § 1.192 and M.P.E.P. § 1206:

- I. Real Party In Interest
- II. Related Appeals and Interferences
- III. Status of Claims
- IV. Status of Amendments
- V. Summary of Invention
- VI. Issues
- VII. Grouping of Claims
- VIII. Arguments
- IX. Claims Involved in the Appeal

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IX. Claims Involved in the Appeal
Appendix A Claims

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is:

Sony Corporation of Tokyo, Japan ("Sony") is the real party in interest of the present application. An assignment of all rights in the present application to Sony was executed by the inventor and recorded by the U.S. Patent and Trademark Office at **reel 010559, frame 0822**.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 4 claims pending in application.

B. Current Status of Claims

1. Claims canceled: 1-3
2. Claims withdrawn from consideration but not canceled: none
3. Claims pending: 4-7
4. Claims allowed: none
5. Claims rejected: 4-7

C. Claims On Appeal

The claims on appeal are claims 4-7

IV. STATUS OF AMENDMENTS

An Amendment was filed subsequent to the first Office Action dated September 24, 2002 (Paper No. 7). The Examiner responded to the Amendment with a final Office Action dated February 13, 2003 (Paper No. 9), in which all pending claims 4-7 were finally rejected. No Amendment after the final Rejection that is the subject of this Appeal was filed.

The claims in the Appendix represent the state of the claims as pending.

V. SUMMARY OF INVENTION

Claim 4 recites a mediating system 20 centrally located among “n” application systems 10 respectively operated within an operation operating environment and being configured to support data transfers among the application systems 10, comprising: one data entry (see Fig. 5) connected to each of said “n” application systems 10; “n” data exits (see Fig. 5) connected respectively to said respective “n” application systems 10; a transmission function group (see, for example, 108 in Fig. 6 and Figs. 2-4) linked to said one data entry and to said “n” data exits for receiving data originated from one of said “n” application systems and for transmitting the data received through said data entry to a destination application system among said “n” application systems; and a transmission path determination function group (see Fig. 4) for selectively determining said destination application system among said “n” application systems in accordance with a destination name attached to the data received through said data entry.

Claim 6 recites a mediating system 20 centrally located among a plurality of application systems 10, the mediating system configured to support data transfers among the application systems, comprising: a data entry (see Fig. 5) connected to each application system; a plurality of data exits (see Fig. 5), each data exit connected to a corresponding application system; a transmission function group (see, for example, 108 in Fig. 6 and Figs. 2-4) linked to said data entry connected to a first application system and to at least one of said data exits connected to a second application system for receiving data originated from said first application system and for transmitting the data received through said data entry to the second application system; and a transmission path determination function group (see Fig. 4) for selectively determining said second application system among said plurality of application systems in accordance with a destination name attached to the data received through said data entry.

Accordingly, the mediating system 20, also known as a broker, of claim 4 includes one data entry and “n” data exits. The mediating system 20 of claim 6 has a plurality of data exits corresponding to the plurality of application systems 10. In this manner, the mediating system has one data entry that can receive data from each of the application systems, and when the destination is determined, the data exits the data exit corresponding to the application system.

Each CPU shown in Fig. 1, for example, is defined as a separate application system 10. Two or more application systems 10 create a system operating environment, so long as the two applications systems 10 can transfer data between themselves. The broker 20 is placed in this system operating environment.

VI. ISSUES

1. Whether the Examiner erred in rejecting claims 4-7 under 35 U.S.C. §102(e) as being anticipated by U. S. Patent 6,347,342 to Marcos et al. (Marcos et al. ‘342)?

VII. GROUPING OF CLAIMS

For purposes of this appeal brief only, and without conceding the teachings of any prior art reference, the claims have been grouped as indicated below:

Group Claim(s)

- I. Claims 4-5 stand or fall together with respect to the §102 rejection;
- II. Claims 6-7 stand or fall together with respect to the §102 rejection.

In Section VIII below, Applicant has included arguments supporting the separate patentability of each claim group as required by 37 C.F.R. 1.192(c)(7). See, for example, M.P.E.P. § 1206.

VIII. ARGUMENTS

In the Final Office Action of February 13, 2003 (Paper No. 9), the following rejections were presented by the Examiner:

(i) 35 U.S.C. §112, first paragraph

None

(ii) 35 U.S.C. §112, second paragraph

None

(iii) 35 U.S.C. §102

(1) The Examiner rejected claims 4-7 under 35 U.S.C. §102(e) as being anticipated by Marcos et al. '342.

(iv) 35 U.S.C. §103

None.

(v) Other

None

For at least the following reasons, Appellant submits that this rejection is both technically and legally unsound and should therefore be reversed.

(i) 35 U.S.C. §112, first paragraph

None

(ii) 35 U.S.C. §112, second paragraph

None

(iii) 35 U.S.C. §102

The Office Action rejected claims 4-7 under 35 U.S.C. §102(e) as being anticipated by Marcos et al. '342 in paragraph 1 of the Office Action (Paper No. 9). Appellant respectfully traverses this rejection.

As discussed above, the mediating system 20, also known as a broker, of claim 4 includes one data entry and "n" data exits. The mediating system 20 of claim 6 has a plurality of data exits corresponding to the plurality of application systems 10. In this manner, the mediating system has one data entry that can receive data from each of the application systems, and when the destination is determined, the data exits the data exit corresponding to the application system.

Each CPU shown in Fig. 1, for example, is defined as a separate application system 10. Two or more application systems 10 create a system operating environment, so long as the two applications systems 10 can transfer data between themselves. The broker 20 is placed in this system operating environment.

Marcos et al. '342 discloses brokering object messages among object models, and includes a mediating system within one of the application systems or both of the application systems. See col. 4, lines 60-63. More specifically, the mediating component intercepts messages sent by a client object to the server object. However, the client believes that the messages are being sent directly to the server object. See col. 3, lines 39-60.

The Office Action opines, contrary to Marcos et al. '342, that the mediating system of Marcos et al. '342 is "not included within any of the application system (mediating system can reside in a single-process machine, col. 7, lines 44-46)." See Office Action at paragraph 2, lines 6-8. However, the phrase from Marcos et al. '342 is taken out of context. The complete sentence in Marcos et al. '342, with emphasis added, is "Mediating component 204 can reside on either the client or the server and can run in a process (i.e., a discrete address space) or in a single process machine." Accordingly, when taken in context, the mediating system resides within one of the application systems (client or server), or both of the application systems.

In contrast, the claimed mediating system is not included within any of the application systems. Still further, the claimed mediating system includes one data entry and a plurality, or

“n” data exits.

The Examiner has the burden of presenting a prima facie case of anticipation. See In re King, 801 F.2d 1324, 1327, 231 USPQ 136, 138-139 (Fed. Cir. 1986); In re Wilder, 429 F.2d 447, 450, 166 USPQ 545, 548 (C.C.P.A. 1970). Additionally, the claim must first be correctly construed to define the scope and meaning of each contested limitation. See In re Paulsen, 30 F.3d 1475, 1479, 31 USPQ 2d 1671, 1674 (Fed. Cir. 1994). As discussed above, the Examiner has incorrectly construed the claims to define their scope and meaning. Accordingly, this rejection is improper and the rejection should not be sustained.

A document can only anticipate a claim if the document discloses, explicitly or implicitly, each and every feature recited in the claim. Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Since Marcos et al. ‘342 fails to disclose, either explicitly or implicitly, at least the above-noted feature recited in independent claims 4 and 6, Marcos et al. ‘342 cannot anticipate the claims. At least in view of the foregoing, claims 4 and 6 are allowable, and the rejection should not be sustained.

Claims 5 and 7, depending from claims 4 and 6, respectively, are also allowable for the elements they recite, as well as depending from allowable base claims. Withdrawal of this rejection is respectfully requested.

(iv) 35 U.S.C. §103

None.

(v) Other

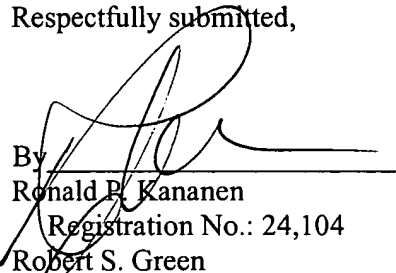
None

CONCLUSION

In view of the foregoing reasons, Appellant submits that the final rejection of claims 4-7 is improper and should not be sustained. Therefore, a reversal of the Final Rejection of February 13, 2003, as to claims 4-7, is respectfully requested.

Dated: July 7, 2003

Respectfully submitted,



By _____
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IX. Claims Involved in the Appeal

APPENDIX A

Claims Involved in the Appeal of Application Serial No. 09/430,124

Claims 1-3: Cancelled

4. (Previously added) A mediating system centrally located among “n” application systems respectively operated within an operation operating environment and being configured to support data transfers among the application systems, comprising:

one data entry connected to each of said “n” application systems;

“n” data exits connected respectively to said respective “n” application systems;

a transmission function group linked to said one data entry and to said “n” data exits for receiving data originated from one of said “n” application systems and for transmitting the data received through said data entry to a destination application system among said “n” application systems; and

a transmission path determination function group for selectively determining said destination application system among said “n” application systems in accordance with a destination name attached to the data received through said data entry.

5. (Previously added) The mediating system of claim 4, further comprising:

a database for storing destination names; and

adaptor means inserted between each of said “n” application systems for supporting connection between the mediating system and the destination application system.

6. (Previously added) A mediating system centrally located among a plurality of application systems, the mediating system configured to support data transfers among the application systems, comprising:

a data entry connected to each application system;

a plurality of data exits, each data exit connected to a corresponding application system;

a transmission function group linked to said data entry connected to a first application system and to at least one of said data exits connected to a second application system for

receiving data originating from said first application system and for transmitting the data received through said data entry to the second application system; and

a transmission path determination function group for selectively determining said second application system among said plurality of application systems in accordance with a destination name attached to the data received through said data entry.

7. (Previously added) The mediating system of claim 6, further comprising:

a database for storing destination names; and

an adaptor situated between each of said application systems, wherein each of said adaptor supports connection between the mediating system and the second application system.